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PATENT

Attorney Docket No. NUCL-002/01US

Application No. 10/762,395

Page 1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Tony GIORDANO *et al.*

Confirmation No.: 4861

Application No.: 10/762,395

Group Art Unit: 1639

Filed: January 22, 2004

Examiner: J. Epperson

For: Use of Post-Transcriptional Gene Silencing for Identifying Nucleic Acid Sequences that Modulate the Function of a Cell

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,

Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- [x] Pursuant to 37 C.F.R. §1.98, copies of documents 71-556 cited in the attached Form PTO-1449 are enclosed on cd.

- [] Copies of the remaining publications listed on the attached Form PTO-1449 are not being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial Nos.:
to which the above-identified application claims priority under 35 U.S.C. §120.

- [] Copies of documents that were not submitted in the above-mentioned related United States Patent Applications may be found in related United States Patent Application Nos.:
Should the Examiner be unable to locate a document, a copy will be provided upon request.

- [x] No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO-1449 are being provided pursuant to 37 C.F.R. §1.98.

- [x] Applicants would also like to bring to the Examiner's attention *Benitec v. Nucleonics* Civil Action No. 04-CV-0174 (JJF) in the U.S. District Court for the District of Delaware. Documents 1-133, 135-143, 145-460 and 462-556 cited herein were first brought to the Applicants' attention in a search of literature related to this action.
- Should the Examiner wish to review any documents in Applicants' possession related to this action, the Examiner is invited to contact the undersigned and any documents requested will be forwarded.**
- [x] Documents 38, 41, 125, 156, 196, 200, 206, 214, 217, 221, 309, 315, 343, 392 and 509 listed on the attached Form PTO-1449 were cited in an Opposition of EP 1230375 B1.
- [x] Documents 134, 144 and 461 listed on the attached Form PTO-1449 were cited in a foreign search or examination report corresponding to Korean application serial no. 10-2001-7013385 and mailed on August 8, 2006. This application has inventors in common with the instant application.
- [] Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- [] Enclosed is a copy of a non-English publication(s) _____. English language publication _____ (copy enclosed) claims priority from this non-English publication.
- [x] An English translation of non-English document 551 is attached to the document. US patent 5,788,265, document 51, is being submitted as an English language equivalent of non-English document 107, EP 0 560 156 A2. An English abstract of non-English publications WO 92/19732 A1, WO 95/18223 A1, WO 98/05770 A2 and WO 00/44895 A1, documents 122, 131, 146 and 161 respectively, may be found on the cover page of the publication. An English abstract of non-English publications JP 09-110894 A and JP 09-227413 A, documents 115 and 116 respectively, may be found attached to the publication.
- [] The Examiner's attention is directed to related co-pending United States Patent Application Serial Nos.:

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.


It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Forms PTO-1449 to the undersigned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-1283.

Dated: November 17, 2006

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INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)				Attorney Docket No. NUCL-002/01US		Application No. 10/762,395	
PTO Form 1449				Applicants: Tony GIORDANO <i>et al.</i>		PAGE 1 of 34	
Filing Date: January 22, 2004				Group Art Unit: 1639			
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Examiner			Date Considered				
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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